

REMARKS

SPECIAL NOTE: Form PTO-326 does not acknowledge applicant's claim for priority and the satisfaction of the associated requirements. The Examiner is respectfully requested to provide such acknowledgement.

The Office Action mailed December 3, 2002 has been reviewed and carefully considered. Claims 1, 2, 8, and 9 are canceled. Claim 4 is amended. Claims 16-18 are added. Claims 3-7 and 10-17 are pending in this application, with claims 14 and 18 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed December 3, 2002, claim 4 stands rejected under 35 U.S.C. §112, second paragraph as being indefinite because the phrase beginning with "such as" is unclear. This phrase has been removed from claim 4. Furthermore, the removed phrase has been reworded to be definite and included in a new claim 17 which depends from claim 3 and recites that the covering panel includes one of parquet, tile, stone or marble. In view of the above amendments and remarks, it is respectfully requested that the rejection of claim 4 under 35 U.S.C. §112, second paragraph, now be withdrawn.

Claims 3-7, 10 and 13-15 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,698,249 (Brown).

Claim 11 stands rejected under 35 U.S.C. §103 as unpatentable over Brown in view of U.S. Patent No. 5,927,034 (Cole). Claim 12 stands rejected under 35 U.S.C. §103 as unpatentable over Brown in view of U.S. Patent No. 4,931,331 (Owens).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention

relates to a floor covering panel which includes a plurality of tiles 2 that are individually attached to a plate 3 (see Figs. 1-3 and page 2, lines 16-19). The plate 3 is made of a flexible material that is compressible in the direction of its thickness and has the same dimensions as the panel. The tiles 2 are arranged on the plate so that the edges 5 of adjacent ones of the tiles contact one another when the panel is in a flat state (page 2, lines 21-24). This arrangement of the tiles 2 provides rigidity against forces acting on the upper surface of the panel. Furthermore, the tiles 2 are arranged so that the edges of adjacent tiles are aligned to form continuous lines on the upper face of the panel, thereby allowing the panels to be folded along the aligned edges 5 of the tiles 2 (page 2, lines 29-35). Independent claim 14 recites the supporting plate and tiles, and includes the limitation "said tiles being individually attached to said upper face of said supporting plate while being juxtaposed thereon in a way that adjacent tiles are in contact with one another along their edges".

Brown discloses a tile floor covering in which individual tiles 10 are assembled on a sheet 26 (see Fig. 3, for example). As discussed in col. 2, lines 31-37, Brown requires a fluid-tight seal between the tiles to prevent water from leaking between the tiles. The seal is made with a "dynamic-interactive-fluidtight-elastomeric-adhesive-sealant 14" (see, e.g., col. 26, lines 55-61). As plainly viewed from Fig. 2, the sealant 14 prevents the tiles 10 from contacting each other. Furthermore, col. 27, lines 34-42 of Brown describes a "width between the sides 12" of the tiles. Brown fails to disclose that the tiles contact each other, as recited in present independent claim 14. Accordingly, it is respectfully submitted that independent claim 14 is not anticipated by Brown under 35 U.S.C. §102.

Furthermore, Brown teaches that the tiles are flexible relative to each other in the installed state. The specification in col. 27, lines 56 to col. 28, line 4 of Brown describes that a compression in top and tension in bottom at the joint occurs during dynamic movement of the load

on the tiles. This could not occur if the tiles contacted each other. Accordingly, Brown fails to teach or suggest that the tiles contact each other as recited in independent claim 14. In view of the above remarks, it is respectfully submitted that independent claim 14 is not obvious over Brown under 35 U.S.C. §103.

Owens and Cole fails to teach or suggest what Brown lacks. Owens relates to a laminated ceramic tile designed to look like natural stone. Cole relates to a cement textured building tile. Neither one discloses or suggests a foldable supporting plate with tiles arranged thereon, wherein "said tiles being individually attached to said upper face of said supporting plate while being juxtaposed thereon in a way that adjacent tiles are in contact with one another along their edges", as recited in independent claim 14. Accordingly, it is respectfully submitted that independent claim 14 is allowable over Brown in view of Cole and/or Owens.

New independent claim 18 is added herein and recites that the panel is foldable along a folding line and that the edges of the tiles along the folding line contact each other to prevent the portions of the supporting plate on both sides of the folding line from being folded above 180°. Brown discloses that that joint between tiles may be folded to create angles both above and below 180° (see, e.g., Figs. 16 and 17). Accordingly, since Brown fails to disclose that the tiles 10 contact each other to prevent folding of the panel to an angle above 180°, it is respectfully submitted that independent claim 18 is also allowable over Brown, Cole, and Owens.

Dependent claims 3-7, 10-13, 15, 17, and 18, being dependent on independent claim 14, are allowable for at least the same reasons that independent claim 14 is allowable.

Dependent claim 10 recites that the panel "constitutes an assembly that is rigid in the approximately flat state against the forces acting on the top surface of the panel". As stated above, Brown discloses that the joints between the tiles 10 are compressed and tensioned (see col. 27, line

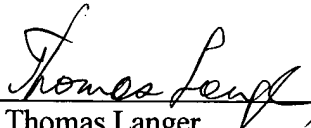
56 to col. 28, line 4), thereby teaching away from a rigid assembly as recited in dependent claim 10. Accordingly, it is respectfully submitted that dependent claim 10 is allowable over Brown for these additional reasons.

New dependent claim 16 recites that the "foldable portions ... can be folded until they come in contact with one another". While the joints between the tiles in Brown allow some flexibility, Brown fails to teach or suggest that the panel can be folded until the foldable portions contact each other, as recited in dependent claim 16. Since the fluid-tight material 14 of Brown is attached to opposing sides of the adjacent tiles, the panel of Brown is prevented from being folded, as recited in dependent claim 16. Accordingly, it is respectfully submitted that dependent claim 16 is allowable over Brown for these additional reasons.

Based on all of the above, it is respectfully submitted that the present application is now in condition for allowance, and notice to that effect is respectfully solicited.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By 
Thomas Langer
Reg. No. 27,264
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: May 5, 2003